

IN THE MICHIGAN COURT OF APPEALS

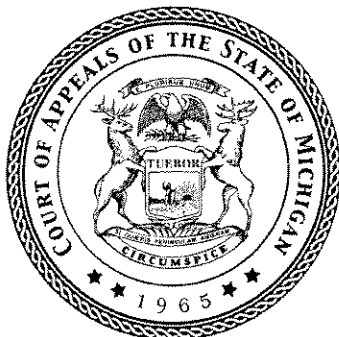
ORDER

Re: **Schupan & Sons Inc v Charter Twp of Milford**
Docket No. **287836**
L.C. No. **2007-082107-CK**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal of the September 4, 2008 order that dismissed two consolidated cases without prejudice is **DISMISSED** for lack of jurisdiction.

The parties' stipulation to dismiss the cases without prejudice is not a final order that may be appealed as of right because it does not dismiss the claims on the merits and allows the parties to resurrect unresolved claims at a later date. *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 134-136; 624 NW2d 197 (2000). This type of dismissal circumvents the court rules in an attempt to obtain appellate review of one of the circuit court's initial determinations without precluding later circuit court proceedings on the remaining claims. *City of Detroit v State of Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004). This method of appealing circuit court decisions in a piecemeal fashion is exactly what our Supreme Court attempted to eliminate when it adopted the final order definitions. *McCarty & Associates, Inc v Washburn*, 194 Mich App 676, 680; 488 NW2d 785 (1992).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 16 2008

Date

Sandra Schultz Mengel
Chief Clerk